



Alcohol Code Ordinance

Summary of Proposed Changes

As of 05/16/2017

Location within Code	Current Regulations	Updated Regulations	Rationale
OLD: 6-1 NEW: 6-1	VARIOUS	VARIOUS	To clarify definitions. No actual change to the definition. Grammatical corrections / updates.
OLD: 6-1 NEW: 6-1	NONE	<i>Restaurant means:</i> (a) Operates a business whose average monthly sales exceeds 50% of its total sales. (b) Serves food on all days of operation. (c) Maintains separate sales figures for alcoholic beverages. (d) Operates a fully equipped kitchen to prepare uncooked foods to serve on the premises.	Currently there is no definition for Restaurant in the Alcohol Code. New permit type needs to be defined. Code mirrors state definition with the exception of the requirement for "500 sq. ft. of habitable floor area"
OLD: 6-1 NEW: 6-1	NONE	Defines " <i>Underage Person</i> " as a person who is under the age of 21 years.	Currently there no definition in the Alcohol Code. This is to differentiate between "Underage Person" and "Minor".
OLD: 6-2 NEW: 6-2	Territorial applicability	No change	Grammatical corrections / updates.
OLD: 6-3 NEW: 6-3 (a) & (b)	Penalties Each and every violation of the provisions of this chapter shall be punishable as provided by section 1-9.	Amending current code to include: (a)..."and/or as provided by this chapter." (b)Any violation of this chapter or the provisions of Title 26 of the Louisiana Revised Statutes, known as "The Alcoholic Beverage Control Law", shall subject all permits issued under this chapter to revocation, suspension, fines and/or the withholding of an Alcoholic Beverage Permit, in accordance with Sec. 6-4 of this chapter.	To include all levels of penalties
OLD: 6-4 NEW: 6-4	<i>Suspension or revocation in the City of Lafayette.</i>	Suspension, or revocation or, imposition of fine in the City of Lafayette and the unincorporated areas of the Parish of Lafayette	To allow for the imposition of a fine, rather than a mandatory suspension or revocation. And to include the unincorporated area of the Parish of Lafayette.

Location within Code	Current Regulations	Updated Regulations	Rationale
OLD: 6-4 (a) NEW: 6-4 (a)	Application. The provisions of this section shall apply only in the city.	Application. The provisions of this section shall apply in the City of Lafayette and the unincorporated area of the Parish of Lafayette.	To include the unincorporated area of the Parish of Lafayette.
OLD: 6-4 (b) NEW: 6-4 (b)	(b) Beverages of high alcoholic content. The Director shall have the right to suspend or revoke any retail permit...	The Director shall have the right to <u>impose a fine, suspend and/or revoke</u> any permit issued pursuant to this chapter for beverages of high alcoholic content for causes set forth in <u>La. R.S.26:90 or 26:91...</u>	To include the right of the Director to also impose a fine, suspend and/or revoke a permit. Updated to refer to La. R.S. 26.1, et. seq.
OLD: 6-4 (c) NEW: 6-4 (c)	(c) Beverages of low alcoholic content. The Director shall have the right to suspend or revoke any retail permit...	The Director shall have the right to <u>impose a fine, suspend and/or revoke</u> any permit issued pursuant to this chapter for beverages of low alcoholic content for causes set forth in <u>La. R.S.26:286 or 26:287</u>	To include the right of the Director to also impose a fine, suspend and/or revoke a permit. Updated to refer to La. R.S. 26.1, et. seq.
OLD: NEW: 6-4 (d)	N/A	Failure to comply with service agreement, contract with or amounts owed to LCG. Failure to comply with the above would subject permits to be suspended, revoked or denied.	To ensure businesses are in good standing with all service agreements, contracts and any amounts owed to LCG.
OLD: 6-4 (d) NEW: 6-4 (e)	Informal hearing before the director: Hearing notices must be sent within 60 days of a violation and must be sent at least 25 days prior to the hearing date, but not more than 40 days prior to hearing date.	Hearing notices shall include the following: a. The time and place of the informal hearing; b. The provisions of the Code violated; c. A summary of causes	To simplify the process of notifying a business of a violation and informal hearing date.
OLD: 6-4 (e) NEW: 6-4 (f)	Appeal to council. Appeal of the decision of the Director. Notice of Council hearing shall be sent at least 10 days prior to the hearing date.	The appeal shall be exercised by the submission of a written request for appeal to the Clerk of the Council within 21 calendar days after the date of notice of the decision of the Director.	Increasing the time, from the date of notice, for the Permittee to appeal to the Council the decision of the Director.
OLD: 6-4 (g) NEW: 6-4 (g)	Notice of council hearing Appeal of the decision of the Director. Notice of the Council shall be sent at least ten days prior to the hearing.	Notice of hearing of appeal before council. Notice, by the Clerk of Council, shall be sent within 10 calendar days prior to the hearing date. (Hearing date to be scheduled on a date and time set by the Clerk of Council)	To clarify and broaden the Appeal to the Council procedure. Allows for a longer period before the Council must hear the appeal. Previous procedure was for the appeal to be heard at the next available Council meeting, which at times, could be a couple of days.
OLD: 6-4 (f) NEW: 6-4 (h)	Action by the Council ...The Council shall vote only to either uphold or overturn the decision of the Director and shall not alter the length of time of the suspension or revocation and/or amount of any fine...	...As a part of the Council's decision on the appeal, it may order the matter remanded back to the Director for reconsideration of his original decision, which he may be modify, revise or reverse...	To allow the Council to remand the matter back to the Director for reconsideration of the decision.

Location within Code	Current Regulations	Updated Regulations	Rationale
OLD: NEW: 6-4 (i) & (j)	N/A	(i) Appeal to District Court. (j) Appeal to Appellate Court Currently the code only identifies the appeals to the Council. Appeals process to now include District Court and Appellate Court process.	To clarify the appeals process and provide a comprehensive appeals procedure as required by State Law.
OLD: 6-4 (h) NEW: 6-4 (k)	Conviction by court not required; standard of proof.	Amending to clarify language.	Clarification of the language.
OLD: NEW: 6-4 (l)	N/A	Method and delivery of Notice. Notice required herein shall be provided to the Permittee by hand delivery or registered or certified mail, return receipt at the designated physical address provided by the Permittee.	To specify the method of delivery of notices set forth in this section (6-4).
OLD: NEW: 6-4 (m)	N/A	No fines shall be collected, and no permit shall be suspended or revoked until after the decision of the Director has become final and/or after all appeal delays have run.	To clarify any fine, suspension and/or revocation shall not be effective until all appeals delays have run.
OLD: 6-5 NEW: 6-5	Additional Penalties for violation in the City of Lafayette.	Adding: And the unincorporated areas of the Parish of Lafayette.	To include the UIA
OLD: 6-5 (1) NEW: 6-5 (1)	1st Violation: Shall be suspended for three (3) consecutive days.	1 st Violation: MAY be suspended for up to 3 days or a fined up to \$500 or both.	To allow for discretion, by the Director, depending on the circumstances and type of violation(s).
OLD: 6-5 (2) NEW: 6-5 (2)	2nd Violation: Shall be suspended for five (5) consecutive days.	2 nd Violation: MAY be suspended for up to seven (7) days or a fined up to \$1,000 or both.	To allow for discretion, by the Director, depending on the circumstances and type of violation(s).
OLD: 6-5 (3) NEW: 6-5 (3)	3rd Violation: Shall be suspended for 15 consecutive days.	3 rd Violation: Shall be suspended for not less than one (1) day, not more than 15 days and may be fined up to \$2,500 or both.	To allow for discretion, by the Director, depending on the circumstances and type of violation(s).
OLD: 6-5 (4) NEW: 6-5 (4)	4th Violation: Shall be revoked.	4 th Violation: Shall be suspended for not less than seven (7) days, not more than 21 days and may be fined up to \$5,000 or both.	To allow for discretion, by the Director, depending on the circumstances and type of violation(s).

Location within Code	Current Regulations	Updated Regulations	Rationale
OLD: NEW: 6-5 (5)	N/A	5th Violation: Shall be suspended for not less than 14 days, not more than 30 days or the permit may be revoked. In addition to suspension or revocation a fine up to \$7,500 may be assessed.	Adding additional tiers to penalty schedule. To allow for discretion, by the Director, depending on the circumstances and type of violation(s).
OLD: NEW: 6-5 (6)	N/A	6th Violation: Permit shall be revoked.	Adding additional tiers to penalty schedule. Mandatory revocation of Alcoholic Beverage Permit on the sixth violation within a 12 month period.
OLD: 6-5 (5) NEW: 6-5 (7)	<i>The suspension or revocation</i> of a permit shall not become effective until after the decision of the Director has become final.	The payment of a fine or suspension or revocation of a permit shall not become effective until the decision of the Director has become final.	Clarifying the penalties shall not become effective until the decision of the Director becomes final. Fine imposed to be paid ten (10) calendar days after the decision of the Director becomes final.
OLD: 6-5 (6) NEW: 6-5 (8)	Revoked permit; reissuance. Once a permit is revoked, a new permit shall not be issued for one year.	Once a permit is revoke, a new permit shall not be issued to the same person, directly or indirectly, for a period of not less than one year.	To prevent a person/business from obtaining a new permit, under a new LLC or another person's name, after their permit has been revoked.
OLD: 6-5 (7) NEW: 6-5 (9)	<i>In addition to any penalties imposed...</i>	Changing "establishment" to Permittee"	Clarification of terminology used.
OLD: 6-5 (8) NEW: Repeal	<i>If an employee of the permit holder causes the first violation...</i>	REPEAL	No longer applicable due to new penalty structure.
OLD: 6-5 (9) NEW: Repeal	<i>If an employee of the permit holder causes the second violation...</i>	REPEAL	No longer applicable due to new penalty structure.
OLD: NEW: 6-5 (10)	N/A	<i>In determining cases involving the imposition of a fine, suspension or revocation of permits, if the Director finds that the violation ...</i> Is either: 1. minor in nature 2. there are extenuating circumstances 3. reasonable grounds to expect the Permittee will not again violate any provision of this chapter 4. or if the violation is flagrant, repetitive, frequent or serious The Director may impose lessor or greater penalty, including revocation.	This provision will allow discretion of the Director, depending on the circumstance of each individual case. Generally mirrors LA RS 26:103.

Location within Code	Current Regulations	Updated Regulations	Rationale
OLD: NEW: 6-5 (11)	N/A	"Days" for the purposes of this section only, as it relates to the imposition of a suspension of an Alcoholic Beverage Permit, refers to the days of operation of the Permittee.	Currently, some suspension issued to businesses may fall on days the business is closed. Therefore, there are no consequences for the violation. This would ensure the consequences are issued equally and fairly across the board for all business.
OLD: 6-6 NEW: Repeal	<i>Additional penalties for violation in unincorporated areas.</i>	REPEAL	For both the City and UIA to follow the same laws and enforcement of the laws. For the Alcohol Code to be consistent throughout the City and UIA.
OLD: 6-8 NEW: 6-8	<i>Enforcement in unincorporated areas.</i>	The Sheriff shall enforce all provisions of this chapter with respect to those violations that occur in the UIA. Repealing part of section regarding the qualifications for permits and hearings in the UIA.	The Sheriff will continue the enforcement in the UIA. All permitting and hearings for violations, for businesses in the UIA, will be handled through LCG/ANC.
OLD: 6-11 NEW: 6-11	<i>Public Nuisances in the City of Lafayette;...</i> (Old Points Ordinance)	REPEAL "Points Ordinance" replace with: <i>Acts prohibited on the premises of an establishment</i> (a) Acts prohibited under La. R.S.26.1 et seq., also known as "The Alcoholic Beverage Control Law" or this Chapter. (b) Acts which constitute a misdemeanor or felony under Title 14 (Criminal Code) Parts II & III. (c) Acts which constitute a misdemeanor or felony under Title 14 (Criminal Code) Parts V & VI. (d) Misdemeanor or felony under La. R.S.40:961, et. Seq. (Louisiana Uniform Controlled Dangerous Substance Act). (e) Acts prohibited under Chapter 34, "Noise Control", Section 361, et seq. of this code	Replacement of the Points Ordinance.
OLD: 6-12 NEW: 6-12	<i>Sales by manufacturers or wholesalers to unpermitted retail dealers.</i> It shall be unlawful for any manufacturer or wholesale dealer to sell or offer for sale any alcoholic beverages to any retail dealer, or any other person, for the purpose of retail sales, when the retailer dealer does not have the permits required by this chapter.	To amend "wholesalers" to "wholesale dealer" in title to read: "Sales by manufacturers and wholesale dealers to unpermitted retail dealers."	To amend "wholesalers" to "wholesale dealer".

Location within Code	Current Regulations	Updated Regulations	Rationale
<p>OLD: 6-13 (c), (c)(2) & (c)(5)</p> <p>NEW: 6-13 (c), (c)(2) & (c)(5)</p>	<p><i>Sales to underage persons.</i></p> <p>(c) Public possession of an alcoholic beverage by someone under the age of 21.</p> <p>(c)(2) When a person over 18 years of age but under 21 years of age is accompanied by...</p> <p>(c)(5) The dispensing of any alcoholic beverage pursuant to lawful employment of person under 21...</p>	<p>(c) Clarification of language to include.</p> <p>A conviction by a court shall not be a condition precedent to suspend or revoke or the issuance of a fine.</p> <p>(c)(2) Clarification of language add "Spouse"</p> <p>When a person who has attained at least 18 years of age, but is under 21 years of age, is accompanied by a spouse...</p> <p>(c)(5) Amending to include, "lawful ownership of an establishment or" ...</p>	<p>(c) Clarification of subsection.</p> <p>(c)(2) Clarification of age group and to including "Spouse" as set forth in LA R.S. 14:93.10.</p> <p>(c)(5) To include the language ... "lawful ownership of an establishment or" ...</p> <p>Grammatical corrections/updates.</p>
<p>OLD: 6-14</p> <p>NEW: 6-14</p>	<p>Prohibition of removal of open alcoholic beverage containers from premises...</p> <p>(Go Cup Ordinance)</p>	<p>Applies ONLY to: Downtown District, Simcoe-Surrey Street Corridor and in the McKinley Street Area.</p> <p>(c) Amend to include</p> <p><u>1. No person, whether patron, customer, Permittee or employee of Permittee, ...</u></p> <p>2. No Permittee, or employee of Permittee, shall allow the removal of any alcoholic beverage container of certain types from the premises of a permittee in the ... (specified areas) (Consistent with (c)(1) above.)</p> <p>(d) Possession.</p> <p>1. Other than paper, plastic or Styrofoam, at no time is it lawful to possess an open alcoholic beverage container in the ... (specified areas)</p> <p>2. On all days of the week (Monday-Sunday), from 12:00 a.m. until 6:00 a.m., it shall be unlawful to possess an open alcoholic beverage container of any type in the ... (specified areas)</p> <p>3. Specific sign shall be posted.</p>	<p>Safety issues. To prevent anything other than paper, plastic or Styrofoam (such as glass bottles, containers and drinking glasses, as well as cans) from being taken out of business in the specified areas.</p> <p>Prohibits <u>any</u> open alcoholic beverages of any type on specified days and times (see 6-14(d)(1) & (2))</p>

Location within Code	Current Regulations	Updated Regulations	Rationale
OLD: 6-31 (b) NEW: 6-31 (b)	<i>Required; Separate Permit Required for each place of business.</i> Any person who allows on-premises consumption of any alcoholic beverages at any establishment open to the public, shall first obtain an Alcoholic Beverage Permit...	Amend to include the language "Commonly known as "BYOB"". "	To ensure any business who allows on-premises consumption of alcoholic beverages is properly permitted. Grammatical corrections/updates.
OLD: 6-33 (a) NEW: 6-33 (a)	<i>Classes</i> (Permit Type) High Alcohol Content (greater than 6%): 1. Wholesale 2. Retail	Amend to include high and/or low alcoholic content. New classes for High and/or low alcohol content: 1. Wholesale 2. Class A Restaurant 3. Class A Bar, Saloon or Tavern 4. Class B Retail 5. Exception Permit (Issued in conjunction with a State Exception Permit)	To have more specific types and classes of permits.
OLD: 6-33 (b) NEW: 6-33 (a)	<i>Classes</i> (Permit Type) Low Alcohol Content (6% or less): 1. Wholesale 2. Class A Retail 3. Class B Retail	Included in (a) above	Incorporated into (a) above.
OLD: NEW: 6-33 (b)	N/A	New Permit Class: <i>Class A Beer & Wine Permit.</i>	This will allow a business to sell only "beer and wine" of any percentage of alcohol by volume.
OLD: NEW: 6-33 (c)	N/A	New Permit Class: <i>Manufacturing Permit</i>	To allow for appropriate permitting of breweries.
OLD: NEW: 6-33 (d)	N/A	New Permit Class: <i>Caterer Permit</i>	To allow for businesses to obtain a caterer's permit in conjunction with their primary permit, rather than having to apply and pay for a Special Event Permit for each event. (There is a maximum of 12 Special Event Permits allowed in a 12 month period.)
OLD: NEW: 6-33 (e)	N/A	<i>Special Event Permit:</i> For persons selling alcoholic beverages for consumption during an event not lasting more than five consecutive days.	Defining "Special Event Permit"
OLD: 6-33 (c) NEW: 6-33 (f)	<i>All establishments must operate within the class for which their permit was issued. Failure to do so shall be a violation of this chapter.</i>	Amending "establishments" to "Permittees" ; "must" to "shall"	Grammatical corrections/updates

Location within Code	Current Regulations	Updated Regulations	Rationale
OLD: 6-34 (a) NEW: 6-34 (a)	Application. An application is abandoned if more than 45 days have elapsed from the time of filing the application and the completion of the application file.	Decreasing the number of days a permit is considered abandoned to 35 days.	The decrease in the number of days is to be in compliance with LA R.S. 26:284 (A).
OLD: 6-34 (b) NEW: 6-34 (b)	Remittance of fees. Included language regarding fees being submitted to Sheriff for permits issued in the UIA.	Amending to delete language regarding submitting fees to the sheriff for permits issued in the UIA	Updating subsection to conform to new Code. Fees shall be payable to LCG.
OLD: NEW: 6-34 (c)	N/A	Physical address and notice. Applicant shall provide a physical mailing address where all written notices and information shall be sent to the Permittee...	Need a physical address where certified mail shall be sent to the Permittee.
OLD: 6-34(c) NEW: 6-34 (d)	Renewals. Renewal procedures.	Include the following language: "Renewal permits may be withheld or denied on the same grounds and in the same manner as the original permit."	Clarifying the renewal process and procedures. Grammatical corrections/updates.
OLD: NEW: 6-34 (f)	N/A	Beginning September 1, 2017, all new and renewal application for Alcoholic Beverage Permits in the UIA shall be made with LCG/ANC.	A centralized location for permits to be issued. Requested by LPSO in March 2015 and approved by Mark Garber in 2016.
OLD: NEW: 6-34 (g)	N/A	No permit shall be issued to any person who is an interposed person for the owner... ...The Director has the authority to do the following: a. Issue a new permit with existing violation of the permittee associated with such business carried forward with the new permit; or b. Deny the request for a new permit.	To prevent a person/business from obtaining a new permit, under a new LLC or another person's name, to avoid the possibility of revocation of current permit. Generally mirrors LA RS 26:83
OLD: NEW: 6-35 (1)	N/A	Application fee. \$250 One-time fee charged upon receipt of initial application.	To cover the cost of processing, reviewing and setting up a new business account.
OLD: 6-35 (1) NEW: 6-35 (2)	Established. The fees to be paid to the director for permits required by the provisions of this article are as follows:	To amend "director" to "Lafayette City-Parish Consolidated Government"	Grammatical corrections/updates.
OLD: 6-35 (1)(a) NEW: 6-35 (2)(a)	High Alcohol Content Permit Fees: 1. Wholesale \$500 2. Retail \$500	High Alcohol Content Permit Fees: 1. Wholesale \$500 2. Class A Restaurant \$500 3. Class A Bar, Saloon or Tavern \$500 4. Class B Retail \$500 5. Exception Permit \$500	A breakdown of the fees required for each permit type. Adding an Exception Permit to be issued in conjunction with a State Exception Permit. Fees remain the same. This is based on the allowable fees a municipal body is allowed to charge for permits by state law.

Location within Code	Current Regulations	Updated Regulations	Rationale
OLD: 6-35 (1)(b) NEW: 6-35 (2)(b)	Low Alcohol Content Permit Fees: 1. Wholesale \$100 2. Class A Retail \$75 3. Class B Retail \$60	Low Alcohol Content Permit Fees: 1. Wholesale \$100 2. Class A Restaurant \$75 3. Class A Bar, Saloon or Tavern \$75 4. Class B Retail \$60 5. Exception Permit \$75	A breakdown of the fees required for each permit type. Adding an Exception Permit to be issued in conjunction with a State Exception Permit. Fees remain the same. This is based on the allowable fees a municipal body is allowed to charge for permits by state law.
OLD: NEW: 6-35 (2)(c)	N/A	Permit Fee: (c) Class A Beer & Wine \$500	Fee for new permit type.
OLD: NEW: 6-35 (2)(d)	N/A	Permit Fee: (d) Manufacturer Permit \$500	Fee for new permit type.
OLD: NEW: 6-35 (2)(e)	N/A	Permit Fee: (e) Caterer Permit \$200	Fee for new permit type. The Caterer Permit will be issued in conjunction with the applicant's primary, Class A or Class B, Alcoholic Beverage Permit.
OLD: 6-35 (1)(c) NEW: 6-35 (2)(f)	Special Event Permit \$100	Special Event Permit \$125	Increasing the fees associated with the Special Event Permit. There has not been a fee increase since ANC began issuing Special Event Permits.
OLD: 6-35 (2) NEW: 6-35 (3)	Fees: Exceptions: When a bona fide nonprofit organization applies for any permit the permit fees shall be waived.	Fees: Exceptions: The permit fees for any bona fide nonprofit organization set at \$50 for each permit.	To cover the cost of reviewing, processing and issuing permit. This is for all permit types issued, including Alcoholic Beverage Permits, caterer Permits or Special Event Permits.
OLD: 6-35 (3) NEW: 6-35 (4)	Fees additional to other fees and taxes. <ul style="list-style-type: none"> Fees shall be paid in full prior to the issuance of permits. Proration ½ annual fees after July 1st of each year. 	Additional Fees, Proration of Fees: <ul style="list-style-type: none"> Application fee shall be paid in full at the time of the submittal of an application for a permit. Permit fee shall be paid in full prior to the issuance of the permit. Proration of permit fees on a monthly basis. There shall be no refund if an application is denied or abandon. If denied or abandon, to reapply for a permit, a new application and applicable fees must be resubmitted. 	Previously no fee or payment was collected until the permit was approved and ready to be issued. Business would submit payment and receive their permit. If the permit was denied or abandon, no fee was ever collected. Due to the amount of work involved and man hours required in processing a permit, the application fees should be required at time of submittal of the application and should be nonrefundable. The permit fee would be collected prior to the issuance of the actual permit. Proration of permit fees on a monthly basis: Class A starting August 1 st of each year and Class B starting on February 1 st of each year. No refund of any fees paid. If applicant must apply for a new permit, all applicable fees shall be submitted.

Location within Code	Current Regulations	Updated Regulations	Rationale
OLD: 6-36 (a) NEW: 6-36 (a)	<i>Location restrictions; non-conforming status.</i> This subsection applies only in the city of Lafayette.	No Change	Grammatical corrections / updates.
OLD: 6-36 (a)(1)(a) NEW: 6-36 (a)(1)(a)	<i>Waiver of distance requirements.</i> Waiver of distance requirements only applied to restaurants and said restaurants had additional restrictions applied to their permits.	The distance requirements contained in section 6-36(a)(1) of this Code may be waived for any establishment by resolution of the council with or without conditions.	To allow for a waiver to be issued, by the Council, to any establishment who applies for such waiver, not just restaurants.
OLD: 6-36 (a)(1)(b) NEW: 6-36 (a)(1)(b)	<i>Any permit issued under this section...</i> Wherein the distance requirements have been waived by resolution...	Removing the word <u>restaurant</u> in two locations.	To make consistent with 6-36 (a)(1)(a) above.
OLD: 6-36 (a)(2) NEW: 6-36 (a)(2)	<i>Non-conforming use status.</i> Any premises which has been permitted to deal in alcoholic beverages prior to the establishment of a school, public library, church or synagogue, or public playground ...if such premises closes, or fails to maintain a valid permit for a period in excess of 180 consecutive days shall not be entitled to the nonconforming use status.	Amending "premises" to "establishment"; and "establishment" to "existence". Extending the nonconforming use time from 180 consecutive days to one year.	To allow for time needed to open a new place of business, where the property and/or building may need to be renovated to comply with new zoning codes.
OLD: 6-36 (a)(3) NEW: 6-36 (a)(3)	<i>The prohibitions in this section do not apply to any premises which are maintained as a bona fide hotel.</i>	Amend "premises" to "establishment"	Amend "premises" to "establishment"
OLD: 6-36 (a)(4) NEW: Repeal	<i>Additional restriction for Restaurants receiving a distance waiver.</i>	REPEAL	Restriction may be set for businesses at time of waiver. (see 6-36 (a)(1)(a) above)
OLD: 6-36 (b) NEW: 6-36(b)	<i>Unincorporated areas:</i> the following provisions apply only in the unincorporated area of the parish.	No changes	Grammatical corrections / updates.
OLD: 6-36 (b)(3) NEW: 6-36 (b)(3)	<i>Waiver of distance requirements:</i> Notwithstanding the provision of subsections (b)(1) and (2) of this section, where the organization operating a church, synagogue, public library, school or playground agrees in writing to waive opposition to the issuance of a permit...	Waiver of distance requirement: The distance requirements contained in subsections 6-36(b)(1) and (2) of this Code may be waived for any establishment by resolution, with or without conditions, of the Council.	To allow the Council to waive distance requirements with or without conditions.

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OLD: NEW: 6-36 (b)(3)(a)	N/A	In order for an establishment to avail itself of the waiver, applicant must apply for waiver to the Council and affirmatively show that notice of such application is or has been provided to any church, synagogue, public library, school or public playground as described in subsections (b)(1) and (2).	To be consistent with the waiver requirements for the City of Lafayette.
OLD: NEW: 6-36 (b)(3)(b)	N/A	Any permit issued under this section wherein the distance requirements have been waived by resolution of the Council is not assignable or transferable.	To be consistent with the waiver requirements for the City of Lafayette.
OLD: NEW: 6-36 (b)(4)	N/A	Any establishment which has been permitted and/or licensed prior to the existence of a school, public library, public playground, church or synagogue within the distance prohibited by subsections (b)(1) and (2) shall have nonconforming use status and may maintain its permit. However, if establishment closes or fails to maintain a valid permit in excess of one year, said establishment shall not be entitled to the nonconforming use status.	To be consistent with the waiver requirements for the City of Lafayette.
OLD: NEW: 6-36 (b)(5)	N/A	The prohibitions in this subsection do not apply to any establishment which is maintained as a bona fide hotel.	To be consistent with the waiver requirements for the City of Lafayette.
OLD: 6-37(c) NEW: 6-37(c)	Special Event Permit(SE) Applicant must provide a copy of their State SE Permit no later than 48 hours prior to event.	Applicant must provide a copy of their SE Permit no later than 24 hours prior to event.	State SE Permit may not be received by applicant until the day before the event.
OLD: 6-39 NEW: 6-39 (a)(b)(c)	Expiration: Permits issued pursuant to the provisions of this article shall expire at midnight on December 31 of the year in which the permit was issued.	Expiration: (a) Class A Permits shall expire on June 30 th of each year. (b) Caterer Permits expire in conjunction with the primary Permit. (c) All other permits expire on December 31 st of each year.	Due to the number of businesses holding an Alcoholic Beverage Permit, it is more feasible to break up the expiration/renewal date to enable staff to issue permits in a more efficient and timely manner.
OLD: 6-42 NEW: 6-42 (a)	Transfer; surrender of permit, ownership or termination of business: Permits are not assignable or heritable. A permit must be returned within five days of closure, when the ownership of the business is transferred or terminated...	Amending to include ...5% or more... Permits are not assignable or heritable. A permit must be returned within five days of closure, when 5% or more the ownership of the business is transferred or terminated...	Clarifies what level of ownership transferred requires the surrender of permit.

Location within Code	Current Regulations	Updated Regulations	Rationale
<p>OLD: 6-43</p> <p>NEW: 6-43 (a) and (b)</p>	<p>Generally; Change of location of business or business name:</p> <p>Business name or location change must be approved prior to change. The change will be noted on the permit and shall be invalid unless the notation is made. (\$10 reprint fee)</p>	<p>Amending to include:</p> <p>a. ...Any approved change of location or business name will result in the issuance of a new permit reflecting such change. A change which necessitates a revision to the existing permittee's file shall be subject to a \$150 processing fee.</p> <p>b. Current Information: Permits without current and correct business location or business name shall be invalid.</p>	<p>A new permit will be issued for any change of location or business name.</p> <p>Currently the fee is only \$10 for the reissuance the permit.</p> <p>There is no fee for the review of the required documentation and setting up or updating a new business file. The work involved is nearly the same as a new business, hence the increase in the fee.</p>
<p>OLD: 6-45 (a) & (b)</p> <p>NEW: 6-45 (a), (b) & (c)</p>	<p>Display</p> <p>(a) Permits are required to be displayed in a conspicuous place.</p> <p>(b) Failure to publicly display permit shall be grounds for withholding, suspension or revocation of a permit.</p> <p>(c) N/A</p>	<p>(a) and (b) clarification of language. Replace "Retail Dealer" with "Permittee"</p> <p>(c) To require all Class B (convenience stores, grocery stores, package liquor stores) businesses to post signage which reads:</p> <p>"STRICTLY PROHIBITED. The consumption of alcoholic beverages on these premises is prohibited by law in accordance with Lafayette City-Parish Consolidated Government Code of Ordinances Section 62-124. Law Enforcement has the authority to enforce at any time."</p>	<p>(a) and (b) clarification of language.</p> <p>(c) This is at the request of LPD, City Prosecutor and some Council Members.</p> <p>(c)(2) Effective date. New Business: 12/31/17 Existing Businesses: 12/31/18</p> <p>Grammatical corrections/updates.</p>
<p>OLD: 6-46</p> <p>NEW: 6-46</p>	<p>Reissue of Permits:</p> <p>Reissue of permit fee \$10</p>	<p>Lost or destroyed Permits:</p> <p>Amending to address only lost or destroyed permits and to increase reissuance fee to \$25.</p>	<p>1. Amending language to address only lost or destroyed permits.</p> <p>2. Increasing reissuance fee to cover the cost of processing and reissuance of permit.</p>
<p>OLD:</p> <p>NEW: 6-47</p>	<p>N/A</p>	<p>Caterer Permit:</p> <p>Adding a new Caterer Permit</p>	<p>To afford businesses the opportunity to receive a Caterer Permit (good for one year), rather than having to obtain a Special Event Permit for each event (Max. 12 per year). (Special Event Permit fee is \$100 per Event).</p> <p>Caterer Permits are only good for private events (not open to the public). A Special Event Permit will still be required for public events such as festivals. This is consistent with ATC's Special Event Permits.</p>

Location within Code	Current Regulations	Updated Regulations	Rationale
OLD: 6-71 NEW: 6-71	<i>Manager to be on premises; designation of managers.</i> No permitted establishment shall operate without someone in attendance with managing authority. The owner or a designated manager must be on the premises during all hours of operations.	(a) Class A Permit. An owner or designated manager must be on the premises during all hours of operation. (b) Class B Permit. May operate without someone with managing authority. However, Permittee and/or a designated manager shall be available by telephone or in person during all hours of operation. (c) Qualification of designated manager. (d) Approval of designated manager; display of list. (e) Notice of change in designated manager.	To remove the requirement of a designated manager to be on the premises of a Class B business during all hours of operation and only requiring the owner or designated manager to be available by phone or in person. Due to the frequent turnover rate of employees of Class B permittees this amendment is designed to reduce the frequent processing of file information without significantly compromising the ability to readily contact a manager.
OLD: 6-72 NEW: 6-72	<i>Violation of state law.</i> It is unlawful for any person to violate any of the provisions of La. R.S. 26:90 or La R.S. 26-286.	Violation of state law. It is unlawful for any person to violate any of the provisions of La. R.S. 26:1 et seq. known as "The Alcoholic Beverage Control Law" not inconsistent herein.	To capture and include all the violation of the State Alcohol Code.
OLD: 6-91 NEW: 6-91	<i>Days and hours of sale.</i> Territorial applicability. The provisions of this division apply only in the city.	The provisions of this division apply both in the City of Lafayette and in the unincorporated areas of the Parish of Lafayette.	For the days and hours of sale to apply to both City and UIA.
OLD: 6-111 through 6-119 NEW: Repeal	<i>Code for the UIA of the Parish</i>	REPEAL	Repeal of separate Code for the UIA of the Parish. Both the City of Lafayette and the Unincorporated areas of the Parish of Lafayette to follow same code
OLD: 6-161 NEW: 6-161	<i>Territorial Applicability.</i> The provision of this division apply in the city.	The provisions of this division apply to both the City and UIA.	The provisions of this division apply to both the City and UIA.
OLD: 6-162 NEW: 6-162	<i>Exemptions for volunteers at Special Events.</i> This provision exempts any person who is working at a Special Event from obtaining a Bar Card.	Amend to include: "However, effective June 1, 2017, there shall be at least one person holding a valid Certificate of Qualification (Bar Card) in attendance during all times alcoholic beverages are served or dispensed."	To ensure at least one person serving or dispensing alcoholic beverages is aware of the local and state laws pertaining to the sale of alcoholic beverages.

Location within Code	Current Regulations	Updated Regulations	Rationale
<p>OLD: 6-163 (a) & (b)</p> <p>NEW: 6-163 (a) & (b)</p>	<p><i>Application for on-premises and off-premises consumption certificate. (New Bar Card)</i></p> <p>Application for on premises (Class A) and off premises (Class B) consumption certificate (Bar Cards): (a) Fee: Class A: \$30. (b) Fee: Class B: \$15. (Valid for two years)</p>	<p>(Application for New Bar Card)</p> <p>(a) Fee: Class A: \$50. (b) Fee: Class B: \$25. (Valid for two years)</p>	<p>Fees have remained the same since the inception of the Bar Cards. The new fees are more in line with other major cities in the state.</p> <p>This will also cover the increased cost in materials and labor associated with issuing Bar Cards.</p> <p>Grammatical corrections/updates.</p>
<p>OLD:</p> <p>NEW: 6-163 (c)</p>	N/A	<p><i>New and renewal applications for Certificate of Qualifications (Bar Cards) within the UIA of the Parish of Lafayette.</i></p> <p>Beginning 01/01/18, all new and renewal applications for a Certificate of Qualification (Bar Cards) under this chapter for employees of a Permittee, whose establishment is located in the UIA of the Parish of Lafayette shall be made with LCG/ANC.</p>	To being accepting and processing Bar Cards for employees of businesses located in the UIA of the Parish.
<p>OLD: 6-164</p> <p>NEW: 6-164</p>	<p><i>Qualification on Premises consumption certificate.</i></p> <p>Applies to City of Lafayette only.</p>	To include both City and UIA.	<p>To include both City and UIA.</p> <p>Grammatical corrections/updates.</p>
<p>OLD: 6-165</p> <p>NEW: 6-165</p>	<p><i>Qualification off Premises consumption certificate.</i></p> <p>Applies to City of Lafayette only.</p>	To include both City and UIA.	<p>To include both City and UIA.</p> <p>Grammatical corrections/updates</p>
<p>OLD: 6-166</p> <p>NEW: 6-166 (2)</p>	<p><i>Temporary Certificate</i> (Temporary Bar Card):</p> <p>(Temporary Bar Cards may be issued to applicants at the time of original or renewal application, good for 30 days.)</p> <p>A one-time extension may be granted for 15 days for a fee of \$10. (No limitation as to when the extension can be issued)</p>	<p>Temporary Certificate (Temporary Bar Card):</p> <p>(1) (Temporary Bar Cards may be issued to applicants at the time of original or renewal application, good for 30 days.)</p> <p>(2) A one-time extension of the temporary certificate (Bar Card) may be granted within 30 days of its expiration and shall not exceed 15 days. (No increase in fee.)</p>	<p>This is to ensure all Bar Card applicants have completed the Louisiana Responsible Vendor Program before the issuance of their permanent Bar Card.</p> <p>Grammatical corrections/updates.</p>
<p>OLD: 6-167</p> <p>NEW: 6-167</p>	<i>Issuance or denial (Bar Card)</i>	No Change	Grammatical correction/updates
<p>OLD: 6-168</p> <p>NEW: 6-168</p>	<i>Application Form</i>	No change.	Grammatical corrections/updates.

Location within Code	Current Regulations	Updated Regulations	Rationale
OLD: 6-169 NEW: 6-169	Possession and exhibition.	Amending to include “authorized agent”	Grammatical corrections/updates.
OLD: 6-170 (a) & (b) NEW: 6-170 (a) & (b)	Expiration and renewal (Bar Card) Application for on premises (Class A) and off premises (Class B) consumption certificate (Bar Cards): (a) Renewal fee: Class A: \$30. Class B: \$15. (Valid for two years). (b) Lost or Destroyed Bar Card: Replacement fee \$10 (Expiration date remains the same as Bar Card being replaced.)	Expiration and renewal (Bar Card) Application for on premises (Class A) and off premises (Class B) consumption certificate (Bar Cards): (a) Renewal fee: Class A: \$50. Class B: \$25. (Valid for two years). (b) Lost or Destroyed Bar Card: Replacement fee \$15 (Expiration date remains the same as Bar Card being replaced.)	Fees have remained the same since the inception of the Bar Cards. The new fees are more in line with other major cities in the state. This will also cover the increased cost in materials and labor associated with issuing Bar Cards. Grammatical corrections/updates.
OLD: 6-171 (a) NEW: 6-171 (a), (b) & (c)	Penalties: (Bar Card Holder) Violations, such as selling, serving or dispensing alcoholic beverages to underage persons: 1 st Offense: Suspension of Bar Card for three (3) days. 2 nd Offense: Revocation of Bar Card for one (1) year.	Penalties for violations: (a) 1 st : Bar Card may be suspension up to three (3) days and/or a fine not to exceed \$500 may be assessed or both. (b) 2 nd : Bar Card may be revoked. If revoked, Bar Card shall not be reissued for one (1) year. If not revoked, may be suspended for not less than one day, but no more than three days. In addition, may be fined up to \$1,000. (c) 3 rd : Bar Card shall be revoked for one year from date of revocation. In addition, may be fined up to \$1,500. (c) No Bar Card shall be issued until all previous fines are paid in full and suspension or revocation period has passed.	To add a penalty tier and to allow the Director the option to assess fines. Prevents renewal of Bar Cards from being issued to anyone who has not paid previous fines assessed for prior violation.
OLD: 6-172 NEW: 6-172	Notification of change of employment and home address.	No change	Grammatical corrections/updates.
Division 3; Sec. 6-191 through 6-200 NEW:	Current UIA Alcohol Code	REPEAL	The Alcohol Code and Enforcement in the City of Lafayette and the Unincorporated will now be the same.